

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SANDY GRACIANO, *on behalf of himself and  
all others similarly situated*, :

Plaintiff, :

-against- :

HOLABIRD SPORTS, LLC :

Defendant. :  
-----X

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20-CV-7646 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

On December 3, 2020, Defendant filed a motion to dismiss the complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (Doc. 5.) Under Federal Rule of Civil Procedure 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Accordingly, it is hereby:

ORDERED that Plaintiff shall file any amended complaint by December 28, 2020. It is unlikely that Plaintiff will have a further opportunity to amend.

IT IS FURTHER ORDERED that if no amended complaint is filed, Plaintiff shall serve any opposition to the motion to dismiss by January 4, 2021. Defendant's reply, if any, shall be served by January 18, 2021.

SO ORDERED.

Dated: December 4, 2020  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

Vernon S. Broderick  
United States District Judge